

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 5, 2011
7:10 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Sprague, and Mayor Hovland. Absent at rollcall was Member Swenson.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Brindle approving the Council consent agenda with the exceptions of Item II.D., Contract ENG 11-5, Imp. Nos. BA-334, SS-460, STS-375, WM-511 & BR-7; Minnehaha Woods Neighborhood Roadway Improvements & West 56th Street Bridge; and, Item II.F., Contract 11-01PK, Chowen Park Playground Improvements.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

ARBOR DAY PROCLAIMED Mayor Hovland read a proclamation declaring April 29 as Arbor Day 2011 in the City of Edina. **Member Sprague made a motion, seconded by Member Bennett, approving the proclamation declaring Arbor Day 2011.**

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

Park & Recreation Director Keprios advised of the upcoming Arbor Day project.

DAYS OF REMEMBRANCE PROCLAIMED – Jessica Kingston and John Cashmore, Human Rights & Relations Commissioners, recommended that Edina observe Days of Remembrance, established by the US Congress, to remember Holocaust victims and promote human dignity, beginning with an event at Edina City Hall May 1, 2011. Mayor Hovland read a proclamation declaring the week of May 1-8, 2011, as Days of Remembrance in the City of Edina. **Member Bennett made a motion, seconded by Member Brindle, approving the proclamation declaring Days of Remembrance, May 1-8, 2011, and authorizing the event on May 1, 2011.**

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

Mr. Cashmore advised of upcoming Days of Remembrance events and Ms. Kingston announced the educational presentation and panel discussion on April 26, 2011, about bullying.

EARTH DAY PROCLAIMED Mayor Hovland read a proclamation declaring April 22, 2011, as Earth Day in the City of Edina. **Member Sprague made a motion, seconded by Member Bennett, approving the proclamation declaring Earth Day, April 22, 2011.**

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

Bob Gubrud, Energy & Environment Commissioner, introduced the Education and Outreach Working Group and advised of their activities to promote energy and earth friendly practices.

***MINUTES APPROVED – REGULAR MEETING OF MARCH 15, 2011, AND WORK SESSION OF MARCH 15, 2011** Motion made by Member Bennett and seconded by Member Brindle approving the minutes of the regular meeting of March 15, 2011, and work session of March 15, 2011.

Motion carried on rollcall vote – four ayes.

AWARD OF BID – EDINA FIRE DEPARTMENT – TRAINING CENTER 6TH FLOOR BURNER Manager Neal recommended the Council table consideration of the training center 6th floor burner to allow time to obtain a competitive bid. **Member Brindle made a motion, seconded by Member Bennett, tabling indefinitely consideration of Training Center sixth floor burner.**

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

***AWARD OF BID – EDINA FIRE DEPARTMENT – REPAIR OF FIRE DEPARTMENT PUMPER E-81** Motion made by Member Bennett and seconded by Member Brindle awarding the bid for repair of Fire Department Pumper E-81 to the recommended low bidder, Premier Fleet Services at \$33,200.68.

Motion carried on rollcall vote – four ayes.

***AWARD OF BID – 2011 COMMODITIES PURCHASE – SAND, ROCK, BITUMINOUS MATERIALS, CONCRETE, AND WATER TREATMENT CHEMICALS – CONTINUED TO APRIL 19, 2011** Motion made by Member Bennett and seconded by Member Brindle continuing award of bid for the 2011 commodities purchase to April 19, 2011.

Motion carried on rollcall vote – four ayes.

AWARD OF BID – CONTRACT ENG 11-5, IMP. NOS. BA-334, SS-460, STS-375, WM-511 & BR-7; MINNEHAHA WOODS NEIGHBORHOOD ROADWAY IMPROVEMENTS & WEST 56TH STREET BRIDGE In response to the Council's inquiry, Public Works Director/City Engineer Houle stated the watermain costs increased since the preparation of the CIP because when a project specification is prepared greater detail is used which results in some areas increasing and some decreasing. He stated the 2011 CIP understated the watermain work needed for the project and added that three competitive bids were received for Alternate A. Mr. Houle explained the bids were under the estimate costs because of the economy and the favorable bidding environment. **Member Sprague made a motion, seconded by Member Brindle, awarding the bid for Contract No. ENG 11-5, Imp. Nos. BA-334, SS-460, STS-375, WM-511, and BR-7; Minnehaha Woods Neighborhood Roadway Improvements and West 56th Street bridge to the recommended low bidder, Palda & Sons at \$4,259,438.35 for Base Bid and Alternate A.**

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

***AWARD OF BID – CONTRACT ENG 10-13, IMP. NO. WM-509 GLEASON ROAD WATER TOWER CLEANING, REPAIRING AND PAINTING** Motion made by Member Bennett and seconded by Member Brindle awarding the bid for Contact No. ENG 10-13, Imp. No. WM-509, Gleason Road water tower cleaning, repairing and painting to the recommended low bidder, M.K. Painting, Inc. at \$449,000.00.

Motion carried on rollcall vote – four ayes.

AWARD OF BID – CONTRACT 11-01PK CHOWEN PARK PLAYGROUND IMPROVEMENTS The Council indicated it was impressed with the new process used in the design for the Chowen Park Improvements. Mr. Keprios described the process that was used to gather additional community input. **Member Sprague made a motion, seconded by Member Bennett, awarding the bid for Contract 11-01PK, Chowen Park Playground Improvements, to the recommended low bidder, Fitol-Hintz Construction at \$109,884.50.**

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

***AWARD OF BID – 2011 EVAPCO EVAPORATOR – CONDENSER – BRAEMAR ARENA** Motion made by Member Bennett and seconded by Member Brindle awarding the bid for 2011 EVAPCO evaporative condenser, Braemar Arena, to the recommended low bidder, Cool Air Mechanical at \$54,768.00.

Motion carried on rollcall vote – four ayes.

GYPSY MOTH PRESENTATION MADE Lucia Hunt, Minnesota Department of Agriculture, updated the Council regarding the Gypsy Moth infestation near Highways 169 and 62 comprising 136 acres (12 acres in southwest Edina) and plans for multi-year BTK organic aerial treatment starting in May of 2011. Ms. Hunt said notification has been mailed to residents in the affected area. She explained that since the Gypsy Moth treatment program received federal funding, an Environmental Assessment was required which was nearing completion. The Council asked questions of Ms. Hunt about trapping and monitoring moths to verify the treatment's effectiveness as well as the safety of the product used on exposed residents. Ms. Hunt reiterated the dates and time of day that treatment would occur, stated notification would include local media, and information regarding the treatment would be posted in the affected area.

Member Brindle made a motion, seconded by Member Sprague, authorizing staff to send a letter to the Federal Aviation Administration to approve spraying of Gypsy Moths in the southwest area of Edina.

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

CITY COUNCIL MEETING AGENDA MODIFIED Mr. Neal offered suggestions to modify the agenda to group perfunctory administrative actions earlier on the agenda. The Council discussed when Community Comment should be placed on the agenda, reiterating its desire for transparency. The Council supported scheduling Community Comment on-camera, just prior to Public Hearings, with a limit of three minutes per speaker but without an overall time limit. The Council indicated support for compiling Consent Agenda items and discussed whether items removed from the Consent Agenda should be addressed immediately following or when that item would have been considered if not on the Consent Agenda. Mr. Neal recommended those items be considered immediately following since it was not uncommon to have staff and residents in attendance concerning consent items. The Council supported reordering the Housing and Redevelopment Authority (HRA) to follow the Council agenda unless an HRA public hearing was scheduled. The Council considered whether to start the meeting with a unity statement. It was noted the Council had adopted the U.S. Council of Mayors' Civility Accord and directed staff to post it, in some fashion, in its Chambers; however, it was too lengthy to read at the start of each meeting. Council consensus was to request language for a unity statement from staff to be further reviewed by the Council.

Council consensus was reached directing staff to draft a resolution reordering the agenda as follows: Meeting Instructions, Call to Order, Roll Call, Unity Statement, Approval of the Meeting Agenda, Adoption of Consent Agenda, Pulled Consent Agenda Items, Recognitions and Presentations, Community Comment with three minutes/citizen, Public Hearings, Reports and Recommendations, Finance, Correspondence and Petitions, Mayor and Council Comments, Manager's Comments, and Housing & Redevelopment Authority. It was noted that more discussion on a unity statement would be held prior to any implementation.

BUSINESS SUBSIDY POLICY ADOPTED Mr. Neal presented the draft Business Subsidy Policy and advised that State Statutes required cities to adopt such criteria prior to awarding business subsidies. He noted the addition of a public hearing process in response to a request for public subsidy prior to approval of said subsidy. The Council discussed its support to obtain public comment through a hearing process and expressed concern with the language of item C indicating "In cases where the objective was the retention of existing jobs, the recipient of the subsidy shall be required to provide reasonably demonstrable evidence that the loss of those jobs is imminent," which may be too high a standard. City Attorney Knutson offered revised language. **Member Bennett made a motion, seconded by Member Sprague, adopting Business Subsidy Policy revising Item C as follows: "In cases where the objective is the retention of existing jobs, the recipient of the subsidy shall be required to provide evidence that the loss of those jobs is probable."**

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

TAX INCREMENT FINANCING POLICY TABLED Member Brindle made a motion, seconded by Member Bennett, to table consideration of the Tax Increment Financing Policy to a date to be determined by the City Manager

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

PROPOSED SPORTS DOME Mr. Neal advised of the activities by a group of Edina residents that wished to develop an indoor sports facility, possibly through a partnership with the City and School District. The School Board had received the proponent's presentation and requested additional information, which could also be requested by the City Council. The Council discussed its support to request additional information including proposed financing.

ORDINANCE NO. 2011-03 ADOPTED – AMENDING SECTION 100.11 REGARDING BACKGROUND CHECKS

Mr. Neal presented the recommendation of the Police Department to adopt an ordinance amending the City Code concerning background checks and reviewed the clarifying revisions Member Bennett proposed. **Member Bennett made a motion, seconded by Member Brindle, to grant First and waive Second Reading adopting Ordinance No. 2011-03, amending Chapter 1 of the Edina City Code concerning background checks, as revised.**

Rollcall:
Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

PARK BOARD SUBCOMMITTEES AUTHORIZED Mr. Keprios presented the Park Board Chairman's request to form subcommittees that would include non-Park Board member residents. He indicated the Park Board had not yet established bylaws that would allow them to form subcommittee. The bylaws were drafted and would be considered at its upcoming meeting. In absence of bylaws, the Park Board requested specific approval of the Council to form subcommittee. The Council and City Clerk Mangen discussed how open meeting requirements would be met by posting the meeting or assuring the subcommittee was comprised of less than a quorum number of the Park Board. Mr. Keprios acknowledged staff's support of the Board's request. **Member Bennett made a motion, seconded by Member Sprague, authorizing the Park Board to establish subcommittees to study: 1) association fees and fee-related matters; 2) donations policy and establish a naming of parks and facilities policy; 3) review responses to the golf course request for proposals; and, allowing residents (non-Park Board members) to serve on the subcommittees.**

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

ART CENTER BOARD AND HERITAGE PRESERVATION BOARD APPOINTMENTS ENDORSED Mayor Hovland made a motion, seconded by Member Sprague, endorsing the Mayor's appointment of Alfreda Terry to the Art Center Board for a term ending February 1, 2013, and Terry Ahlstrom to the Heritage Preservation Board for a term ending February 1, 2012.

Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

RESOLUTION NO. 2011-41 ADOPTED – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2011-41 accepting various donations.** Member Brindle seconded the motion.

Rollcall:
Ayes: Bennett, Brindle, Sprague, Hovland
Motion carried.

***AGREEMENT BETWEEN THE CITIES OF BLOOMINGTON & EDINA FOR PUBLIC HEALTH EMERGENCY RESPONSES (PHER I, II, III) AMENDED** Motion made by Member Bennett and seconded by Member Brindle approving the amended agreement between the cities of Bloomington and Edina for Public Health Emergency Responses (PHER I, II, III).

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2011-40 ADOPTED – FINDINGS OF FACT – REQUEST TO KEEP MORE THAN THREE ANIMALS DENIED** Motion made by Member Bennett and seconded by Member Brindle to adopt Resolution No. 2011-40, denying permit for more than three cats or dogs in a home.

Motion carried on rollcall vote – four ayes.

***RESOLUTION 2011-44 ADOPTED – HEARING DATE SET (MAY 3, 2011) – DELINQUENT UTILITIES** Motion made by Member Bennett and seconded by Member Brindle to adopt Resolution No. 2011-44, calling a public hearing for consideration of certain delinquent utilities DU-11, May 3, 2011.

Motion carried on rollcall vote – four ayes.

***WATER SHUTOFF AUTHORIZED** Motion made by Member Bennett and seconded by Member Brindle authorizing water shutoff at 2906 66th Street West for nonpayment.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2011-42 ADOPTED – COOPERATIVE AGREEMENT BETWEEN THE CITY OF MINNEAPOLIS AND THE CITY OF EDINA REGARDING BICYCLE PARKING PROJECT APPROVED** Motion made by Member Bennett and seconded by Member Brindle to adopt Resolution No. 2011-42, approving cooperative agreement between the City of Minneapolis and the City of Edina regarding bicycle parking project.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2011-45 ADOPTED – UTILITY EASEMENT ALONG OLINGER BOULEVARD APPROVED** Motion made by Member Bennett and seconded by Member Brindle to adopt Resolution No. 2011-45, approving utility easement for Excel Energy along Olinger Boulevard.

Motion carried on rollcall vote – four ayes.

***CONSTRUCTION ENGINEERING SERVICES FOR MINNEHAHA WOODS NEIGHBORHOOD ROADWAY RECONSTRUCTION PROJECT APPROVED** Motion made by Member Bennett and seconded by Member Brindle approving construction engineering services for Minnehaha Woods' neighborhood roadway reconstruction project.

Motion carried on rollcall vote – four ayes.

***RESOLUTION NO. 2011-43 ADOPTED – CONSTRUCTION GRANT AGREEMENT BETWEEN METROPOLITAN COUNCIL AND CITY OF EDINA FOR INFLOW AND INFILTRATION ABATEMENT PROJECTS APPROVED** Motion made by Member Bennett and seconded by Member Brindle to adopt Resolution No. 2011-43, approving Construction Grant Agreement No. SG2011-002 between Metropolitan Council and City of Edina for inflow and infiltration abatement projects.

Motion carried on rollcall vote – four ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated March 17, 2011, and consisting of 29 pages: General Fund \$103,913.73; Communications Fund \$5,256.50; Police

Minutes/Edina City Council/April 5 2011

Special Revenue \$1,152.27; General Debt Service Fund \$833.75; PIR Debt Service Fund \$1,202.50; Working Capital Fund \$15,008.47; Equipment Replacement Fund \$222,378.93; Art Center Fund \$3,445.52; Golf Dome Fund \$568.76; Golf Course Fund \$30,646.47; Ice Arena Fund \$1,547.83; Edinborough/Centennial Lakes Fund \$25,965.63; Liquor Fund \$170,636.38; Utility Fund \$430,929.04; Storm Sewer Fund \$1,680.50; Recycling Fund \$38,820.60; PSTF Agency Fund \$10,295.83; TOTAL \$1,064,282.71; and for approval of payment of claims dated March 24, 2011, and consisting of 25 pages: General Fund \$566,344.76; Communications Fund \$3,322.85; Police Special Revenue \$960.00; Working Capital Fund \$2,549.74; Equipment Replacement Fund \$1,557.65; Art Center Fund \$2,319.64; Golf Dome Fund \$31,576.15; Aquatic Center Fund \$45.96; Golf Course Fund \$33,531.17; Ice Arena Fund \$54,093.76; Edinborough/Centennial Lakes Fund \$19,279.17; Liquor Fund \$122,978.87; Utility Fund \$25,509.97; Recycling Fund \$7,518.66; PSTF Agency Fund \$9,576.50; Payroll Fund \$5,325.18; TOTAL \$886,490.03; and for approval of payment of claims dated March 31, 2011, and consisting of 29 pages: General Fund \$68,031.43; Communications Fund \$10,123.29; Police Special Revenue \$1,001.28; Working Capital Fund \$19,048.24; Equipment Replacement Fund \$56,988.94; Construction Fund \$27,258.75; Art Center Fund \$18,946.12; Golf Dome Fund \$1,238.43; Golf Course Fund \$34,888.87; Ice Arena Fund \$139.40; Edinborough/Centennial Lakes Fund \$20,395.01; Liquor Fund \$142,388.35; Utility Fund \$104,717.11; Storm Sewer Fund \$37,502.51; Recycling Fund \$107.73; PSTF Agency Fund \$5,807.24; Payroll Fund \$14,643.48; TOTAL \$573,226.18; and, Credit Card Transactions dated January 26, 2011, to February 25, 2011: TOTAL \$8,469.47.

Motion carried on rollcall vote – four ayes.

LETTER RECEIVED FROM GOLF TERRACE/LAKE HARVEY NEIGHBORHOOD ASSOCIATION The Council acknowledged receipt of a letter with several signatures from the Golf Terrace/Lake Harvey Neighborhood Association regarding a parking restriction on Lakeview Drive. Mr. Houle stated the no parking issue could be addressed via the Traffic Safety Report. The Council indicated its desire to address this matter because it was creating neighborhood anxiety. Following discussion, **Member Bennett made a motion, seconded by Member Brindle, modifying the Council's previous decision by retaining parking on the residential (north) side of the northern portion of Lakeview Drive while continuing to eliminate parking on the south (lake) side of the northern portion of Lakeview Drive to accommodate construction of stormwater-filtering swales to help improve Lake Harvey water quality.**

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, April 19, 2011.

James B. Hovland, Mayor

Video Copy of the April 5, 2011, meeting available.